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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 CLARK HAMER,

9 Plaintiff,

10 vs.

11 STATE OF NEVADA BUREAU OF
12 VOCATIONAL REHABILITATION
EMPLOYMENT AND TRAINING,

13 Defendant.
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Case No. 2:15-cv-01036-GMN-GWF

ORDER

15 This matter is before the Court on Plaintiff's Motion to Issue Summons and Complaint (ECF
16 No. 40), filed on July 20, 2017. Defendant filed its Response (ECF No. 44) on July 27, 2017. Also
17 before the Court is Plaintiff's Motion for Joinder (ECF No. 25) filed on November 21, 2016 and his
18 Motion to Proceed to Trial by Jury (ECF No. 26) filed on November 21, 2016.

19 On September 26, 2016, Plaintiff filed his third amended Complaint. ECF No. 19. On May
20 24, 2017, the Court screened Plaintiff's third amended complaint, recommended that Plaintiff's
21 discrimination claim against the Nevada Disability and Advocacy Law Center ("NDALC") be
22 dismissed, and ordered the Clerk of Court to issue summons to Defendant Nevada Bureau of
23 Vocational Rehabilitation ("NBVR"). On July 10, 2017, the Court denied Plaintiff's motions to
24 modify the number of defendants and to issue and serve summonses. See ECF No. 38. Plaintiff
25 again requests permission to add defendants identified in his third amended complaint and to issue
26 and serve summonses to those individuals. See ECF Nos. 25, 26, 40. Defendant argues Plaintiff
27 should not be permitted to add defendants because the applicable statute of limitations has run.

28 Fed. R. Civ. P. 10(a) requires that Plaintiff include, in the caption of his complaint, the name


1 of each defendant against whom he is asserting a claim. Fed. R. Civ. P. 15(a) allows a party to
2 amend its pleading once “as a matter of course” within twenty-one days after serving it. After that,
3 a party may amend its pleading only by leave of the court or with the adverse party’s written
4 consent. Fed. R. Civ. P. 15(a)(2). Local Rule (“LR”) 15-1 requires the moving party to attach the
5 proposed amended pleading to a motion seeking leave of the court to file an amended pleading. The
6 proposed amended pleading must be complete in and of itself without reference to the superceded
7 pleading.

8 Plaintiff’s motion to add individual defendants is not sufficient and does not set forth any
9 legal basis or authority. Plaintiff failed to include the individual defendants in the caption of his
10 complaint. Plaintiff may not add defendants without moving to amend his complaint and receiving
11 leave of court after filing an appropriate motion which attaches a proposed amended complaint
12 pursuant to LR 15-1. Plaintiff’s request to proceed to trial is premature and he fails to provide any
13 basis to his request. The Court, therefore, denies his motions. Accordingly,

14 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Issue Summons and Complaint
15 (ECF No. 40) is **denied**.

16 **IT IS FURTHER ORDERED** that Plaintiff’s Motion for Joinder (ECF No. 25) and Motion
17 to Proceed to Trial by Jury (ECF No. 26) are **denied**.

18 DATED this 31st day of July, 2017.

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21 GEORGE FOLEY, JR.
22 United States Magistrate Judge
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